

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES SECURITIES AND	:	
EXCHANGE COMMISSION,	:	
	:	
Plaintiff,	:	<u>ORDER</u>
	:	
-v.-	:	
	:	19 Civ. 4355 (LGS) (GWG)
COLLECTOR'S COFFEE INC., et al.,	:	
	:	
Defendants.	:	
-----X	:	
GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE	:	

The application (Docket # 365) to stay the Order of June 1, 2020, is granted in part and denied in part.

The obligation to produce the tax returns is delayed until two business days after the district judge issues any decision upholding the obligation to produce them, provided that Kontilai files objections pursuant to Fed. R. Civ. P. 72 on or before June 15, 2020.

The requirement to make all efforts to gain actual possession of the tax returns is not stayed, however. The Court notes that Kontilai has filed a declaration (Docket # 368-1) asserting that he is not in the United States, does not have possession of his tax returns, and that he has authorized his attorneys' "firm" to act on his behalf. In light of this declaration, the attorney for Kontilai with the most knowledge of the efforts to obtain the returns — or, in the alternative, the tax preparer or other individual charged with the responsibility for obtaining the returns — is ordered to file an affidavit on June 15, 2020, reporting on all efforts he/she has made to obtain possession of those returns. The affidavit shall set forth all dates on which activity occurred and contain a description of the activities that occurred on that date. That report shall include efforts made, if any, to use the procedure described by the Government. See Docket # 381 at 1 n.1. If no such efforts were made, the affiant shall give an explanation of why not.

Further, an individual with personal knowledge of these efforts shall provide a letter or email to the parties every Monday thereafter describing all efforts he/she has made in the previous week and any other information that has come to light in that time period concerning the production of the returns. That obligation shall continue until all returns are in the possession of Kontilai's attorneys, or the Government and Kontilai agree on a different reporting schedule. If the Government believes that insufficient efforts are being made, the Government may make an application to the Court compliant with paragraph 2.A of the Court's Individual Practices.

SO ORDERED.

Dated: June 11, 2020
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge